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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,856	12/30/2003	Ralf Manstein	207-001	6419
30332 7590 03/22/2007 MEREDITH & KEYHANI, PLLC 330 MADISON AVE. 6TH FLOOR NEW YORK, NY 10017			EXAMINER AIRAPETIAN, MILA	
			ART UNIT	PAPER NUMBER
			3625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/748,856	Applicant(s) MANSTEIN ET AL.	
	Examiner Mila Airapetian	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 19, 37 and 55 recite limitations "the seller" in the phrase "receiving input from the seller including a product information...", "the current price and the remaining time". There is insufficient antecedent basis for these limitations in the claims.

Claims 10, 11, 28, 29, 46, 47, 64 and 65 recite the limitation "displaying the change...". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al. (US 2002/0107777) in view of La Mura et al. (US 2006/0047581).

Claim 1. Lane et al. (Lane) teaches a computer-implemented method for auctioning goods over the Internet, comprising the steps of:

receiving input from the seller including a product, product information, a minimum price, maximum price and a maximum time [0022], [0033], [0038], [0061], [0069], [0070];

offering said product for sale wherein said offer for sale starts at said minimum price and said maximum time and displays the current price [0022], [0033], [0038], [0061], [0069], [0070];

receiving at least one value offer for said product from at least one buyer, wherein said step of receiving at least one value offer is a first value offer [0023];

accepting said first value offer when said first value offer results in a price greater than or equal to said minimum price and greater than or equal to said current price [0069], [0067];

increasing said current price by a determined price amount [0067];

displaying said offers as the current price [0083].

However, Lane does not teach that said time and price are interdependent.

La Mura et al. (La Mura) teaches a computer-implemented method for auctioning over the Internet, including the relationship between the bid price and time (Fig. 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lane to include that said time and price are interdependent, as disclosed in La Mura, because it would advantageously allow to promote the full monetary value of the item and generally increases the economic efficiency of the transaction, as specifically taught by La Mura [0038].

Claim 2. Lane teaches said method, further comprising the step of:

receiving at least one value offer for said product from at least one buyer, wherein said step of receiving said at least one value offer is a subsequent value offer [0023];

displaying said subsequent value offer [0083];

accepting said subsequent value offer wherein each said subsequent value offer results in a price greater than said current price [0069], [0067];

increasing said current price by a determined price amount [0067]; and

displaying said subsequent value offer as the current price [0083].

Claim 3. Lane teaches said method, further comprising the step of:

receiving at least one value offer for said product from at least one buyer wherein said step of receiving said at least one value offer is a final value offer [0023];

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displaying said final value offer [0083];

accepting said final value offer wherein said final value offer results in a price greater than said current price [0067], [0069];

increasing said current price by a determined price amount [0067]; and

displaying said final value offer as the current price [0083].

Claim 4. Lane teaches said method wherein said value offer is a price offer [0069].

Claim 5 and 6. The use of statistical tools is old and well known. The motivation would be facilitating of trading process.

6. A method as in claim 1, wherein said determined price amount is calculated by multiplying said time offer by the value of a unit of time to provide said determined price amount.

Claim 7. Lane teaches said method, further comprising the step of: adjusting said current price according to the determined price amount [0067].

Claim 8. Lane teaches said method, further comprising the step of: adjusting said remaining time according to the determined time amount [0067].

Claim 9. Lane teaches said method, further comprising the step of: sending said value offer to a database for acceptance by using a sales function device [0069].

Claim 10. Lane teaches said method, further comprising the step of: displaying the change in said current price [0067].

Claim 11. Lane teaches said method, further comprising the step of: displaying the change in said remaining time (Fig. 4). The motivation to combine references would be allow to promote the full monetary value of the item and generally increases the economic efficiency of the transaction, as specifically taught by La Mura [0038].

Claim 12. Lane teaches said method, further comprising the step of: displaying said minimum price [0022].

Claim 13. Lane teaches said method, wherein said product is electronically offered for sale over the Internet [0073].

Claim 14. Lane teaches said method, wherein said value offers made on said product for sale can only be made by buyers who have registered to use the sales function with which said value offers can be made [0089].

Claim 15. Lane teaches said method, wherein said input is further comprised of a desired quantity from said seller [0103].

Claim 16. Lane teaches said method, further comprising the step of: displaying said maximum price [0069].

Claim 18. Lane teaches said method, further comprising the step of: delivering said product [0023].

Claims 19-73 are rejected on the same rationale as set forth above in Claims 1-18.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lane and La Mura, as applied to claim 1, in view of Rothman et al. (US 2002/0152154).

Claim 17. The combination of Lane and La Mura teaches all the limitations of claim 1, except displaying the current price in different currencies.

Rothman et al. (Rothman) teaches a method for buying and selling in a marketplace denominated in multiple currencies including displaying the current price in different currencies [0011].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lane and La Mura to include displaying the current price in different currencies, as disclosed in Rothman, because it would advantageously attract sellers and buyers from all over the world, thereby increasing revenue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA


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